REMARKS

As a preliminary matter, Applicants thank the Examiner for the continued acknowledgement of allowable subject matter in claim 15.

Claims 14 and 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Serbutoviez et al. (U.S. 6,306,469) in view of Matsuyama et al. (U.S. 5,969,781). Applicants respectfully traverse this rejection because a *prima facie* case of obviousness has not been established. The Examiner has not indicated where the prior art teaches all of the claimed features and limitations, nor has the Examiner cited to any teaching or suggestion from either prior art reference that indicates the desirability of making the combination proposed by the Examiner.

Section 2143.03 of the MPEP requires that the Examiner, when attempting to establish a *prima facie* case of obviousness, must first be able to cite to where each and every feature and limitation of the claimed invention is taught or suggested within the cited prior art. In the present case, however, this requirement has not been met. Neither of the two cited references teach or suggest where the response speed of a liquid crystal varies depending on the parts of a pixel region, as in independent claim 14 of the present invention, as last amended.

The Examiner correctly acknowledges, on page 2 of the outstanding Office Action, that Serbutoviez does not disclose any features relating to the response speed of the liquid crystal, or more particularly, that it varies depending on the part of the pixel region, and that this difference is utilized in forming the liquid crystal display device. The Examiner

relies only upon Matsuyama for teaching such features. Matsuyama, however, fails to actually teach or suggest any such features.

For example, the portions of the Matsuyama reference cited by the Examiner, namely, col. 4, line 56 through col. 5, line 10 (and Fig. 6B), describe nothing at all about the response speed varying across the parts of a pixel region, as alleged by the Examiner. Matsuyama's only comment about response speed in this section appears at lines 6-8 of col. 5, but this portion does not discuss any variation to the speed. Matsuyama instead only describes the speed of all of the liquid crystal molecules in its display as a whole, that because they "do not have twisted orientation particular to the TN system, they tilt rapidly." Moreover, the paragraph preceding this cited text (line 54 in particular) further emphasizes how Matsuyama is referring only to the entire display, and not to separate particular parts of the pixel region with respect to other parts. Accordingly, the Examiner has clearly misinterpreted the Matsuyama reference, and the outstanding Section 103 rejection is deficient on its face for at least these reasons.

The rejection is further deficient under Section 2143.01 of the MPEP because the Examiner has not cited to where the prior art itself teaches or suggests the desirability of the proposed combination. The cited prior art must affirmatively teach or suggest how one skilled in the art would be directed to make the combination proposed by the Examiner. In the present case, however, this requirement has also not been met.

For example, the Examiner does not assert that Serbutoviez teaches or suggests any motivation for the combination. The Examiner again cites only Matsuyama as support.

The cited portion from Matsuyama, however, provides no such motivation for the proposed combination. As discussed above, Matsuyama does not disclose a varying response speed, as incorrectly asserted by the Examiner. Therefore, the cited portion could only, at most, motivate one skilled in the art to practice Matsuyama's invention by itself, but not in the combination proposed.

As discussed above, the cited portion from Matsuyama merely describes the improved response speed that Matsuyama's device allegedly realizes over the prior art TN systems. Matsuyama is entirely silent though, regarding any of the chemical compositions or formation steps described by Serbutoviez. Accordingly, the Examiner has not cited to any teaching or suggestion from either reference that indicates any desirability to one skilled in the art for combining these two particular references, and in the way the Examiner asserts that they can be combined. No linking description has been shown between the two references. It is not enough to show a motivation to use the teachings of a particular reference. The cited motivation must justify the combination of the references. Accordingly, the Section 103 rejection based on the combination of Serbutoviez with Matsuyama is further deficient for at least these reasons as well, and should be withdrawn.

As a final matter, Applicants particularly traverse the Examiner's remarks on page 3 of the outstanding Office Action that assert "as a general available knowledge, small tilt angle would have higher speed response, and the different tilting areas having different driving threshold voltage." Applicants submit that this statement must be stricken for several reasons.

First, neither one of the two cited prior art references teaches or suggests any such "generally available knowledge." Second, if the Examiner is attempting to take Official Notice, the Examiner must affirmatively indicate on the record that the Examiner is actually taking Official Notice, as opposed to merely making broad assertions about what is known in the art. The Examiner is required to clearly state on the record the source of every factual assertion in a rejection. Third, Applicants' dispute this assertion as a whole, that any such "generally available knowledge" existed at the time of the present invention. Even if the Examiner's assertions were correct (which Applicants do not concede), the Examiner has the burden to prove that such "generally available knowledge" was in fact available at the time of the present invention. The Examiner may not rely upon the present Disclosure itself as the basis for rejecting the claims under Section 103, without demonstrating impermissible hindsight.

Accordingly, for all of the foregoing reasons, Applicants submit that this Application, including claims 14-18, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

Customer No. 24978

November 3, 2006

By
Josh C. Snider
Registration No. 47,954

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
P:\DOCS\1324\70004\AN6151.DOC